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| 10/711,388  | 09/15/2004  | Blake Benson         | 03292.101690.2      | 5387             |
| 66569 7590 02/11/2008<br>FITZPATRICK CELLA (AMEX)<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| ZECHER, MICHAEL R   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/711,388

**Applicant(s)**

BENSON ET AL.

**Examiner**

MICHAEL R. ZECHER

**Art Unit**

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 15 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 9/15/2004, 9/21/2004  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a non-final, first Office Action on the merits. **Claims 1-12** are pending.

#### *Claim Objections*

2. **Claim 2** is objected to because of the following informalities: ID need to be spelled out the first time it appears in the claim language. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-7, 9, & 11-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burchetta et al. (U.S. 6,954,741), and further in view of Alley et al. (U.S. 2003/0078880).

**As per claim 1**, Burchett et al. teaches a system for facilitating handling of a post-transactional credit dispute (See column 29, lines 11-17, which discuss a system to effectuate payment where the claimant is a registered cardholder and the claimant's credit/debit/charge/entertainment card is automatically credited) comprising:

a workstation capable of receiving commands from a user in response to an inquiry associated with the post-transactional credit dispute (See figure 5, and claim 1,

which illustrates and discusses a first entity's computer system used in settling disputes among adverse parties);

a server in communication with said workstation (See column 19, lines 20-63, which discusses a server with built-in networking and communication services);

a storage connected to said workstation, said storage having a plurality of documentation files stored thereon, said files having content that is relevant to the post-transactional credit dispute, said files capable of being transmitted from said workstation to said server (See figure 1, #9, column 7, lines 7-10, and column 13, lines 20-28, which illustrates and discusses a memory means, how the system may construct pertinent documents for the adverse parties, and how a user submits information);

a first communication channel coupling said workstation and said server (See figure 1, #1, which illustrates a communications linkage, such as internet or telephone);  
and

a second communication channel coupling said server and said backend processing computer, wherein said second communication channel is configured to transmit said documentation files from said server to said backend processing computer (See figure 1, #1, and column 20, lines 45-67, which illustrates a communications linkage, such as internet or telephone).

However, Burchetta et al. does not disclose a backend processing computer in communication with said server, wherein said backend processing computer is configured to process said transmitted documentation files.

Alley et al. discloses a method and system for managing electronic signing of digital documents (See abstract).

Both Burchetta et al. and Alley et al. disclose methods and systems that incorporate computer systems capable of locating relevant documents. Alley et al. discloses how information may be used in a backend computer system (See paragraph 95, which discusses how information may be used in a backend computer system, such as accounting and billing systems and the like). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burchetta et al. to include a backend processing computer configured to process and transmit files as taught by Alley et al. in order to extract transactional data related to specific credit dispute claims.

**As per claim 2**, Burchetta et al. teaches a method executed in a computer network for facilitating handling of documentation for a post-transactional dispute, the computer network having a server and a terminal (See figure 7, and column 29, lines 11-17, which illustrates and discusses a computer system to effectuate payment where the claimant is a registered cardholder and the claimant's credit/debit/charge/entertainment card is automatically credited), the method comprising the steps of:

(a) accepting, at said server, a User ID and password from a user at the terminal (See column 4, lines 33-49, which discusses requiring a user to enter a password and user identification number);

(b) displaying an Inquiry at the terminal, wherein said Inquiry is associated with said post-transactional dispute and said user is a party to said post-transaction dispute (See column 7, lines 7-10, and claim 1, which discusses how the computer system may construct pertinent documents for the adverse parties in a dispute when a first entity submits a claim);

(e) confirming receipt of said documentation at said server (See column 13, lines 5-19, which discusses confirmation of case information); and

(g) storing said transmitted documentation and said association data for later retrieval (See column 7, lines 11-23, and column 30, lines 1-32, which discusses how the system stores and tabulates data, and how the system can access documents).

However Burchetta et al. does not expressly disclose:

- (c) locating said documentation associated with said Inquiry;
- (d) transmitting said located documentation to said server; and
- (f) associating said transmitted documentation with said post-transactional dispute.

Alley et al. discloses locating documents (See paragraph 46, which discusses locating documents in a central file server), transmitting documents (See claim 30, which discusses transmitting documents to a server), and associating documents with a user (See paragraph 46, which discusses how documents are encoded or embedded with user information). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burchetta et al. to include locating, transmitting, and associating documentation with a user as taught by Alley et al. in order

to combine the known features of dispute resolution with locating, transmitting, and associating documentation to achieve the predictable result of gathering the necessary documentation specific to a user in order to provide a computerized dispute resolution file.

**As per claim 3**, Burchetta et al. teaches wherein the post-transactional dispute is between a merchant and an Acquirer (See column 29, lines 11-17, and claim 1, which discusses various parties to a dispute, including a payment card account system and a second entity).

**As per claim 4**, Burchetta et al. teaches wherein the post-transactional dispute is between an Acquirer and an Issuer (See column 29, lines 11-17, and claim 1, which discusses various parties to a dispute, including a payment card account system and a second entity).

**As per claim 5**, Burchetta et al. teaches  
retrieving from said server a dispute handling form which coincides with said User ID (See column 7, lines 11-23, and column 30, lines 1-32, which discusses how the system stores and tabulates data, and how the system can access documents relating to a particular dispute);

displaying said form at said access terminal (See column 16, lines 35-39, which discusses displaying details of a case);

receiving data entered on said form at said access terminal (See column 13, lines 5-19, which discusses how the user can edit some or all of the case information).

However, Burchetta et al. does not disclose transmitting said form and said form data to said server.

Alley et al. discloses transmitting documents (See claim 30, which discusses transmitting documents to a server). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burchetta et al. to include transmitting documentation to a server as taught by Alley et al. in order to combine the known features of dispute resolution with transmitting documentation to achieve the predictable result of storing the necessary documentation specific to a user in order to provide a computerized dispute resolution file.

**Claim 6** recites equivalent limitation to claim 2 and is therefore rejected using the same art and rationale set forth above.

**As per claim 7**, Burchetta et al. teaches

routing said documentation to a processing hub (See column 20, line 45, through column 31, lines 37, which discusses utilizing a facilitator (i.e. additional computer) to process and transmit information in order to resolve a dispute); and

confirming [an] integrity of said documentation (See column 13, lines 5-19, which discusses confirmation of case information).

**As per claim 9**, Burchetta et al. teaches wherein said Inquiry is automatically initiated in response to a notification of said post-transactional dispute (See column 29, lines 54-64, and claim 1, which discusses automatic notification, and automatically initiating a dispute resolution upon receiving an engagement request from a first entity).



**As per claim 11**, Burchetta et al. teaches wherein said step of locating comprises locating said documentation associated with said Inquiry, wherein said documentation is stored on said terminal (See column 7, lines 11-23, and column 30, lines 1-32, which discusses how the system stores and tabulates data, and how the system can access documents).

**As per claim 12**, Burchetta et al. teaches a computer-readable storage medium containing a set of instructions for a general purpose computer comprising:

(a) displaying an Inquiry at the computer, wherein said Inquiry is associated with a post-transactional dispute and said user of the computer is a party to said post-transaction dispute (See column 7, lines 7-10, and claim 1, which discusses how the computer system may construct pertinent documents for the adverse parties in a dispute when a first entity submits a claim);

(d) confirming receipt of said documentation at said remote server (See column 13, lines 5-19, which discusses confirmation of case information); and

(f) storing said transmitted documentation and said association data for later retrieval (See column 7, lines 11-23, and column 30, lines 1-32, which discusses how the system stores and tabulates data, and how the system can access documents).

However Burchetta et al. does not expressly disclose:

- (b) locating said one or more documentation associated with said Inquiry;
- (c) transmitting said located documentation to a remote server; and
- (e) associating said transmitted documentation with said post-transactional dispute.

Alley et al. discloses locating documents (See paragraph 46, which discusses locating documents in a central file server), transmitting documents (See claim 30, which discusses transmitting documents to a server), and associating documents with a user (See paragraph 46, which discusses how documents are encoded or embedded with user information). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burchetta et al. to include locating, transmitting, and associating documentation with a user as taught by Alley et al. in order to combine the known features of dispute resolution with locating, transmitting, and associating documentation to achieve the predictable result of gathering the necessary documentation specific to a user in order to provide a computerized dispute resolution file.

5. **Claims 8 & 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burchetta et al. (U.S. 6,954,741), in view of Alley et al. (U.S. 2003/0078880), and further in view of Bellinger et al. (U.S. 5,895,455).

**As per claim 8**, the Burchetta et al. and Alley et al. combination discloses the elements of the claimed invention, but fails to disclose receiving, at said terminal, at least one scanned document in computer readable format, wherein said scanned document is associated with said Inquiry.

Bellinger et al. discloses a method of providing users access to financial document images (See abstract).

Both the Burchetta et al. and Alley et al. combination and Bellinger et al. disclose methods that address the problem of providing user's access to protected information.

Bellinger et al. discloses an image scanner capable of capturing the digital image of a document (See column 14, lines 1-34, which discusses image scanners capable of capturing the digital image of a document). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Burchetta et al. and Alley et al. combination to include scanned financial documents as taught by Bellinger et al. in order to combine the known features of dispute resolution and financial documentation to achieve the predictable result of receiving scanned documents concerning financial transactions at a computer terminal.

**As per claim 10**, the Burchetta et al. and Alley et al. combination discloses the elements of the claimed invention, but fails to disclose wherein said documentation comprises image files.

Bellinger et al. discloses an image scanner capable of capturing the digital image of a document (See column 14, lines 1-34, which discusses image scanners capable of capturing the digital image of a document). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Burchetta et al. and Alley et al. combination to include scanned financial images as taught by Bellinger et al. in order to combine the known features of dispute resolution and financial documentation to achieve the predictable result of creating image files concerning financial transactions.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burchetta et al. (U.S. 6,330,551) discloses a computerized dispute resolution system and method.

Rosen (U.S. 5,878,139) discloses a method for electronic merchandise dispute resolution.

Rosen (U.S. 6,336,095) discloses a method for electronic merchandise dispute resolution.

Park et al. (U.S. 6,039,248) discloses a method for preparing safe electronic notarized documents in electronic commerce.

Gonen-Friedman et al. (U.S. 2001/0047332) discloses methods and systems for online self-service receivables management and automated online receivables dispute resolution.

Watkins et al. (U.S. 2001/0044756) discloses a payroll deduction system and method including provision for financing and dispute resolution.

Lloyd (U.S. 6,801,900) discloses a system and method for online dispute resolution.

Noblett, Jr. et al. (U.S. 5,432,326) discloses systems and methods for operating data card terminals for transaction chargeback protection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. ZECHER whose telephone number is (571)270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/  
Supervisory Patent Examiner, Art  
Unit 3691

MRZ